1950

File No. Security Measures II/50 (N)

Legal Department
B **BRANCH**

Subject:— Notification under the Bombay Public Security Measures Act- 1947

P 20
E

File No. Security Measures II/50 (N)

Gen. 194 e.

Three revised draft Orders are sent herewith.

2. Sub-section (4) of section 2 of the Act, empowers the Provincial Government to remove to and detain the person in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline as the Provincial Government may from time to time by general or special order specify. The Home Department draft order at p. 23 ante purports to delegate to the Inspector General of Prisons only the power of removing and detaining the person in respect of whom an order under clause (a) of sub-section (1) of section 2 is in force while the Home Department draft order at p. 21 ante purports to delegate to the District Magistrates etc. all the powers under sub-section (4) of section 2. It is presumed that this is what H.D. intends.

Sd. J.R.Dhurandhar.
24/2.

Additional Secretary to Govt.

U.R. to H.D. No. 2713, dated the 24th February 1950.

VOP. 21-6-56.

ORDER.

Home Department (Political)

Bombay Castle, 1950.

Bombay Public Security Measures Act, 1947.

No. In exercise of the powers conferred by section 21 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947) and in supersession of all Orders issued in this behalf from time to time under the said section 21 and all Orders issued under section 21 of the said Act as applied by the States'merger(Governor's Provinces) Order, 1949, the Government of Bombay is pleased to direct that the powers conferred and the duties imposed on it by the provisions of the said act specified in column 1 of the Schedule appended hereto shall also be exercised or discharged as the case may be, by the officers specified against them in column 2 of the said Schedule within the area specified in column 3 thereof.

SCHEDULE.

By order of the Governor of Bombay.

Secretary to Government.

VOP. 21-6-56.

ORDER.

Home Department (Political),

Bombay Castle, 1950

Bombay Public Security Measures Act, 1947.

No. In exercises of the powers conferred by sub-section (A 1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947) and in supersession of all Orders issued from time to time under sub-section (A1) of the said section 2 nand all Orders issued under sub-section (A1) of section 2 of the said Act as applied by the States' Merger (Governors' Provinces) Order 1949, the Government of Bombay is pleased to authorise in Greater Bombay, the Commissioner of Police, Greater Bombay, the Deputy Commissioners of Police and the Superintendents of Police and elsewhere, the Superintendents of Police, the District Superintendents of Police, the Additional District Superintendents of Police , the Assistant Superintendents of Police and the Deputy Superintendents of Police to exercise the powers specified in the said sub-section (A1).

By order of the Governor of Bombay

Secretary to Government.

VOP. 21-6-56.

O R D E R..

Home Department,

Bombay Castle, 1950.

Bombay Public Security Measures Act, 1947.

No. In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947) and in supersession of all Orders issued from time to time under sub-section (2) of the said section 6 and all Orders issued under sub-section (2) of section 6 of the said Act as applied by the States' merger (Governor's Province Order, 1949, the Government of Bombay is pleased to empower the Commissioner of Police, Greater Bombay, and all the District Magistrates to exercise the powers conferred upon it by sub-section (1) of the said section 6, within their respective jurisdictions.

By order of the Governor of Bombay.

Secretary to Government.

VGP. 21-6-56.

Legal Department.

Two revised draft orders are sent herewith.

Sd. J.R.Dhurandhar.
18/3.

Additional Secretary to Government.

U.R. to H?D. No. 194-Genl, dated the 20th March 1950.

VGP. 21-6-56.

The Bombay Public Security Measures Act, 1947.

The notifications and Orders at pages 17, 19 23 and 25 as slightly amended are in order.

2. Appendix 'A' as the order also provides for the taking of security under sub-section (2) of section 2 of the Act, it is necessary to make a reference to that sub-section in the preamble of the Order. If no security is demanded the reference to the said sub-section (2) should be deleted from the preamble. A clean typed copy of the Appendix is sent herewith.

3. Appendix 'B' It is observed from sub-section (2) of section 3 of the Preventive Detention Act, 1950. that a Sub-Divisional Magistrate is also empowered to detain a person.. It is therefore necessary to make a reference to the Order of a Sub-Divisional Magistrate in the draft Order at page 29. A clean copy of the Appendix is sent herewith.

4. Appendix 'C'.- For the reasons given above it is necessary to make a reference to the order of a Sub-Divisional Magistrate in the Order at page 31 ante. It appears to be desirable to state in the order of temporary release the reasons for what purpose the detenus was released and also to state the time as required by sub-section (3) of section 4A of the Act for surrendering himself to the authority specified. A clean typed copy of the Appendix is sent herewith.

Sd. P.N.Lad.
31/3

Remembrancer of Legal Affairs.

U.R. to H.D. (Poll). No. 214-Conf1 dated the 1st April 1950.

VOP. 21-6-56.

Home Department (Political).

Bombay Castle, 1950.

ORDER.

Bombay Public Security Measures Act, 1947.

No. S.D. III/449(c).- Whereas the Government of Bombay is satisfied that it is necessary in the interests of public order to prohibit exercises, movements, evolution or drills of a military nature by the organisation known as the Samanta Sainik Dal;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Bombay Public Security Measures Act, 1947, (Bom VI of 1947), the Government of Bombay is pleased to prohibit the performance, in the State of Bombay, of all exercises, movements evolutions or drills of a military nature by the said organisationwhether continuing under the same or altered name, or by any branch thereof, and also by any bodied of persons known by the name of volunteers operating or working under the general direction or management of the said prganisation or of any branch thereof.

By order of the Governor of Bombay.

Secretary to Government.

VGP. 21-6-56.

Home Department (Political),

Bombay Castle, 1950.

ORDER,

Bombay Public Security Measures Act, 1947.

No. S.D.III/449(d),- Whereas the Government of Bombay has, by its order in the Home Department No.S.D.III/449(e),dated the 1950 prohibited the performance in the State of Bombay, of exercises,movements evolution or drills of a military nature by the organisation known as the Samanta Sainik Dal;

And whereas with a view to securing that no such exercises, movements,evolutions or drills,of a are performed at any place in the State of Bombay, the Government of Bombay is satisfied in that it is necessary in the interests of public order to prohibit such exercises, movements, evolution ordrills at any place in the State of Bombay.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 7 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to order that no camp, parade or procession shall be held in any place, in the State of Bombay by the organisation known as the Samanta Sainik Dal, whether continuing under t the same or altered name or by any branch thereof, and also by any bodies of persons known by the name of volunteers operating or working under the general direction or management of the said organisation or of any branch thereof.

By order of the Governor of Bombay.

Secretary to Government.

Home Department, (Political),

Bombay Castle, 1950.

O R D E R.

Bombay Public Security Measures Act, 1947.

No. S.D.III/449(c), Whereas the Government of Bombay is satisfied that the wearing in public of any dress or article of apparel resembling any uni form or part of a uniform required to be worn by a member of the Armed Forces of the Union or by a member of any po lice force or Home Guards or of any force constituted under any law for the time being in force is likely to prejudice the maintenance of public order in the State of Bombay.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 8 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to prohibit in the State of Bombay the wearing or display in public of any such dress or article of apprel by any member of the organisation known as the Samanta Sainik Dal, whether continuing under the same or altered name, or by any member of any b branhe thereof, and also by any person known by the name of a volunteer operating or working under the general direction or management of the siad or ganisation or of any branch thereof.

By order of the Governor of Bombay.

Secretary to Government.

VOP. 22-6-56.

Para 3 of H.D. note.- The draft Order at p. 17 is in order.

Para 4 of H.D. note.- What section 4 of the Preventive Detention Act, 1950, provides is that an authority detaining a person has got power to remove him and detain him at a place specified by the State Government. As the places of detention are proposed to be notified generally andas the Bombay Conditions of Detention Order, 1950 has already been made under section 4 and executive order as in the appended draft will suffice. It may beobserved that sub-section (2) of section 3 of the Act also autthorizes a Sub-Divisional Magistrate to detain a person in the cirsumstances specified in the said sub-section. That officer has therefore been included in the Order even though in practice he may not exercise such powers if desired by Government.

The view taken by Secretary, H.D. that existing orders issued in current from need not be revised iscorrect.

Sd. P.M.Lad.
21/6

Remembrancer of Legal Affairs.

U.R. to H.D. No.468-Co dfl. dated the 21st June 1950.

VGP. 22-6-56.

ORDER.

The person known as.....

detained under my order no....., dated the .....

..... 195 (a) shall be removed to and

detained in .....Prison / Police lock up ; and

(b) shall, for the purposes of Bombay Conditions of detention, Order, 1950 be treated as a class as an under-

prisoners. / trial prisoner.

Commissioner of Police Bombay
District Magistrate .....
Sub-Divisional Magistrate.....

Dated at on the day of

195

VOP. 22-6-56.

Legal Department.

Paragraph 2 of Government of India's letter dated 3-6-1950 at p.81 ante. Apparently the Government of India have confused the order of release to be made by the State Government under section 4A of the Bombay Public Security Measures Act, 1947 with an order of revocation. For the reasons already stated in paragraph 1 of the Bombay Legal Department U.R. No.8050 dated 13-4-1950, section 4A of the Bombay Act, will prevail over the Preventive Detention Act, 1950.

Paragraph 4 of the said letter. Section 5 of the Bombay Public Security Measures Act, 1950 is not intended to apply to Central Services. If any section is to be taken to control essential services of the Centre, section may be taken as suggested by the Government of India under the Essential Services (Maintenance) Ordinance, 1941.

Sd. J.R.Dhurandhar.
28/8

Additional Secretary to Government.

U.R. to E.D.No.12511, dated the 28th August, 1950.

VGP. 22-6-56.

The draft notifications at page 21 as slightly amended are in order.

2. The draft order at page 23 is in order.

3. A revised draft order in place of Home Department (Poll) order at page 19 in ante is sent herewith.

4. Section 3 of the Prevention of Detention Act, 1950, has been recently amended by Act L. of 1950 by empowering the Additional District Magistrate specially empowered by the State Government to detain a person. It is presumed that no Additional District Magistrate has so far been empowered by the Bombay Government to detain a person. It is also presumed that Sub-Divisional Magistrate have been instructed not to detain a person. No reference has therefore been made in this draft order to the detention order made by any of the two officers.

Sd. J.R.Dhurandhar.
9/9.

Additional Secretary to Government.

ULR. to Hr. D. (Poll), No. 688-Confl, dated the 9th Sept. 1950.

VOP. 22-6-56.

Legal Department.

A revised draft model order in place of the Home Department Order at page 31 is sent herewith.

Sd. J.R.Dharandhar.
26/10.

Additional Secretary to Government.

U. R. to H.D. (Spl.) No. 786 Confl. dated the 27th Oct. 1950.

VGP. 22-6-56.

No.

Home Department (Political).

ORDER.

Whereas the person known as Shri ----------
--------- who has been detained under
dated and who has been released
for a period of days from the date of
the release under Government Order in the Home
Department (Political) No. dated
the (hereinafter referred to
as the original order of release). Subject to the
conditions specified in the original order of
release;

Here enter the particular of the order made by the competant authority.

AND WHEREAS the said Shri ----------
has requested the Government that the period of
his temporary release may be further extended;

AND WHEREAS the said Shri----------
has accepted the conditions mentioned in the
original order of release;

NOW WHX THEREFORE, in exercise of the powers conferred by section 4A of the Bombay Public Security Measures Act, 1947, (Bom VI of 1947) the Government of Bombay hereby directs that the period of temporary release specified in the origina order of release shall be extended by days from * subject to the conditions specified in the original order of release and accepted by the said Shri ---------- and that he shall surrender himself at the Nasik Road Central Prison to the Superintendent of the said prison immediately on the expiry of the period of release hereby extended.

*Here insert the last date on which the original order of release was to expire.

By order of the Governor of Bombay.

Secretary to Government.

Legal Department.

A revised draft notification in place of the Home Department draft is sent herewith.

Sd. J.R.Dhurandhar.
16/9.

Additional Secretary to Government

U.R. to H.D. No. 708-Confl, dated the 20th September 1950.

VGP. 22-6-56.

NOTIFICATION,

Home Department (Political),

Bombay Castle, September 1950.

Bombay Public Security Measures Act, 1947.

No.S.D.II/751-II-B.- Whereas the Government of Bombay is satisfied that employment under each of the companies specified in the Schedule annexed hereto is essential for the maintenance of supplies or services essential to the community;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Bombay Public Security Measures Act, 1947(Bom VI of 1947), the Government of Bombay is pleased to declare each such employment as an essential service under the said sub-section (1).

SCHEDULE.

(1) Burmah Shell Oil Storage and Distributing Company of India ;

(2) Caltex (India) Ltd ;

(3) Indo-Burmah Petroleum Company ;

(4) National Petroleum Company;

(5) Standard Vaccum Oil Company;

(6) Western India Oil Distributing Company.

By order of the Governor of Bombay.

Secretary to Government.

VGP. 22-6-56.